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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,483	11/13/2003	Mark E. Pecen	CS21844RL	8324
20280	7590	06/20/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			HUYNH, CHUCK	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,483	<b>Applicant(s)</b> PECEN ET AL.	
	<b>Examiner</b> Chuck Huynh	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Response to Amendment***

1. Claims 1, 3, and 14 are cancelled.
2. Claims 2, 4, 6, 7, 9, 10, and 11 are amended.

***Response to Arguments***

1. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

2. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2, 4-9, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gwon et al. (hereinafter Gwon).

Regarding claim 2, Gwon discloses a method of operating a mobile communication device, comprising the steps of:

calculating parameters indicative of received signal strength over time (Page 2-3: [0024]);

determining whether a predetermined relationship exists between the values of the parameters (Page 1-2: [0011], [0012]), said step of determining whether a predetermined relationship exists determining how many predetermined conditions exist (Page 1: [0009]); and

determining reselection is imminent if said predetermined relationship exists (Page 3: [0024], [0025]).

Regarding claim 4, Gwon discloses a method of operating a mobile communication device, comprising the steps of:

calculating parameters indicative of received signal strength over time, wherein said step of calculating includes measuring received signal strength (Page 2-3: [0024]);

determining whether a predetermined relationship exists between the values of the parameters (Page 1-2: [0009] - [0012]); and

determining reselection is imminent if said predetermined relationship exists (Page 3: [0024], [0025]), wherein said step of calculating includes computing a plurality of parameters as a mean of the received signal strength measurements (Page 1: [0009], [0010]).

Regarding claim 5, Gwon discloses the method as defined in claim 4, wherein said step of determining if at least one predetermined criteria is met determines if a plurality of parameters are met (Page 3: [0027]; Page 1-2: [0009-0013]).

Regarding claim 6, Gwon discloses the method as defined in claim 2, further including the step of sending a message to a virtual bearer upon determining that a reselection is imminent (Page 3: [0031]).

Regarding claim 7, Gwon discloses the method according to claim 2, further including the step of calculating a relative time for said reselection (Page 3: [0025]).

Regarding claim 8, it is inherent that the method according to claim 2, further including the step of receive threshold information from the network for controlling said reselection (such as signal strengths disclosed in Gwon: Page 2-3 [0024]).

Regarding claim 9, Gwon discloses the method of claim 2, wherein the step of calculating comprises performing RSSI measurements (Page 2-3: [0024]).

Regarding claim 11, Gwon discloses a method of operating a mobile communication device, comprising the steps of:

- calculating parameters indicative of received signal strength over time ([0024]);
- determining whether a predetermined relationship exists between the values of the parameters ([0011], [0012]);
- determining reselection is imminent if said predetermined relationship exists ([0024], [0025]); and
- initiating flow control in response to determining that reselection is imminent ([0024], [0025]).

Regarding claim 17, Gwon discloses a method of operating a mobile communication device, comprising the steps of:

- calculating parameters indicative of received signal strength over time ([0024]), wherein said step of calculating further includes performing an n-points sliding parabola calculation by finding required initial sums (mean) based on the first  $y_j$  reselection criteria values (prediction parameters) at corresponding moments  $t_j$  (Page 3: [0029]);
- determining whether a predetermined relationship exists between the values of the parameters ([0011], [0012]); and
- determining reselection is imminent if said predetermined relationship exists ([0024], [0025]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gwon in view of Tuutijarvi et al. (US 5524009; hereinafter Tuutijarvi).

Regarding claim 10, Gwon discloses all the particulars of the claim but is unclear on the method of claim 9, wherein the RSSI measurements are computed for every time division multiple access frame in a temporary block flow mode.

However, Tuutijarvi does disclose the RSSI measurements are computed for every time division multiple access frame in a temporary block flow mode (Col 4, lines 21-27).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Tuutijarvi's disclosure to provide a method to measure received signal strength in a TDMA system.

5. Claim 12, 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwon in view of Terasawa.

Regarding claim 12 Terasawa discloses The method of claim 11, further including the step of entering flow control in the virtual bearer (remote unit buffers 10s) responsive to a signal received from the network (Page 8: [0069-0070]).

Regarding claim 13. The method of claim 11, further including the step of entering flow control in the virtual bearer responsive to the message that reselection (handoff) is imminent (Page 8, [0070]).

Regarding claim 15, Gwon discloses a mobile communication device, comprising:

- a measurement module (Page 2-3: [0024]);

- a reselection predictor coupled to the measurement module, the reselection predictor producing in the mobile communication device a likelihood of cell reselection message based on measurements made by the mobile (Page 2-3: [0024]).

Gwon discloses all the particulars of the claim even the layers of determining a cell change is imminent (L2 and L3 through of reference) but is unclear on the mobile communication device according to claim 14, further including a virtual bearer for applying flow control to the lower layers, the virtual bearer applying flow control responsive to a determination that a cell change is imminent.

However, Gwon in combination with Terasawa does disclose the mobile communication device according to claim 14, further including a virtual bearer for



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applying flow control to the lower layers, the virtual bearer applying flow control responsive to a determination that a cell change is imminent (Page 8: [0069-0070]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to combine Terasawa with Gwon to provide procedures of establishing connectivity during handover.

Regarding claim 16, Terasawa discloses the mobile communication device according to claim 15, wherein the virtual bearer (buffer inherent within remote device) is coupled to the reselection predictor to receiving the likelihood of cell reselection message from the predictor (Page 8: [0069-0070]).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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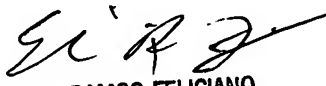
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh

  
ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER